

CC 95-155

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

EX PARTE OR LATE FILED

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Petition of LCI INTERNATIONAL, INC.)
for an increase in its share of)
the weekly allocation of 888) File No.
numbers)
)
)

~~Received~~
~~MAR 25 1997~~
~~Common Carrier Bureau~~
~~Network Service Division~~
~~Office of the Chief~~

PETITION

Pursuant to section 1.3 of the Commission's rules,¹ LCI International, Inc. ("LCI") respectfully requests that the Commission waive for LCI the 888 number allocation formula adopted in the Commission's 888 Number Allocation Order,² and direct Data Management Services, Inc. ("DSMI") to increase LCI's weekly allocation of 888 numbers from 2651 to 5000. LCI's request is consistent with the Commission's intent to "balance the needs" of responsible organizations ("RespOrgs"), such as LCI, with the technical and capacity limitations of the Service Management System ("SMS") database, and to ensure that RespOrgs are offered a "reasonable opportunity to meet their subscriber needs."³

¹ 47 C.F.R. § 1.3. This section provides that "[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown." While section 1.3 does not expressly reference directives established in Commission orders, it is LCI's position that the Commission has discretion under section 1.3 to waive such directives.

² See Toll Free Service Access Codes, Report and Order, CC Docket No. 95-155, 11 FCC Rcd. 2496, (1996) ("888 Number Allocation Order").

³ See Id. at ¶ 39.

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On January 25, 1996, the Commission issued its 888 Number Allocation Order in which it adopted an 888 conservation plan.⁴ The Commission's stated goals in adopting this plan were: (i) to prevent the SMS from potential "system overload" created by increased RespOrg activity; and (ii) to discourage a rush to reserve 888 numbers. The Commission found that it must set the weekly allocation of numbers at a level that balances the needs of the RespOrgs, the technical limitations of the SMS, and the capacity of the data links between the SMS and the regional service control points (SCPs).⁵ The Commission then determined that, for the same reasons set forth in its August 800 number allocation plan,⁶ it would set each RespOrg's share of the weekly allocation of 888 numbers on the same basis as its 800 number allocation is calculated.⁷ In setting the weekly 888 number allocation, the Commission recognized that "the allocation of 888 numbers, *in addition to the 800 numbers* [then available] . . . , will offer RespOrgs a reasonable opportunity to meet their subscriber needs."⁸

Pursuant to the 888 number allocation plan, LCI is receiving 2661 888 numbers weekly. In addition, at the time of the 888 Number Allocation Order, and prior to the exhaustion of 800 numbers, LCI was receiving 2916 800 numbers weekly. Therefore,

⁴ 888 Number Allocation Order, 11 FCC Rcd. 2496.

⁵ Id. at ¶ 39.

⁶ See Letter from Kathleen M.H. Wallman, Chief, Common Carrier Bureau to Michael Wade, President, DSMI, dated August 17, 1995 ("Wallman Letter").

⁷ Id. at ¶ 40.

⁸ Id. at ¶ 39 (emphasis added).

prior to the exhaustion of 800 numbers, LCI was receiving a combined total weekly allotment of 5577 toll free numbers.

On March 12, 1997, 800 numbers were completely exhausted. LCI has thus gone from an allotment of 5577 toll free numbers a week to 2661 toll free numbers a week. This reduction of more than 50% in LCI's current allocation of toll free numbers has proved insufficient to meet its subscribers' needs. In the competitive toll free services market, the inability of LCI to provide sufficient toll free numbers to current or potential subscribers puts LCI at a competitive disadvantage to those RespOrgs whose toll free number allocation is sufficient.

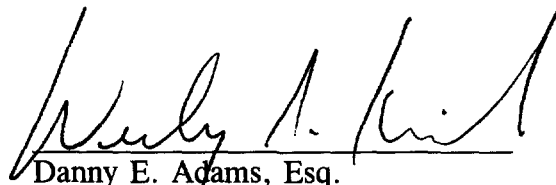
In addition, the lack of an adequate allotment of 888 numbers, resulting in LCI's inability to meet customer demand, is inconsistent with the goal of the 888 Number Allocation Order to "balance the needs of RespOrgs" with the technical and capacity limitations of the SMS database, and to "offer RespOrgs a reasonable opportunity to meet their subscriber needs." At the time of the Order, the Commission was worried about a rush on reservations of 888 numbers when they became available. Now that the transition period is complete, this is no longer a concern. In addition, while the original allotment of combined 800 and 888 numbers may have offered LCI a "reasonable opportunity" to meet subscriber needs, the recent decrease of more than one-half of LCI's allotment of toll free numbers does not afford LCI such an opportunity.

The Commission's calculations at the time of its 888 Number Allocation Order, with respect to what would constitute a reasonable allocation of 888 numbers for each RespOrg, included consideration of each RespOrg's share of the remaining 800 numbers. Now that 800 numbers have been exhausted, it is incumbent upon the Commission to reevaluate its formula to ensure that RespOrgs such as LCI can meet their subscribers' and potential subscribers' needs. LCI has determined that an allotment of 5000 numbers weekly will accomplish this goal. Thus, LCI does not here seek to replace the entire lost allotment of 2916 800 numbers per week. Rather, LCI requests an increase of only 2339 888 numbers per week.

For the foregoing reasons, LCI respectfully requests that the Commission waive for LCI the 888 number allocation formula adopted in the Commission's 888 Number Allocation Order and direct DSMI to increase LCI's weekly allocation of 888 numbers from 2651 to 5000.

Respectfully submitted,

LCI INTERNATIONAL, INC.



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Its Attorneys

March 24, 1997

AFFIDAVIT

State of Ohio)

County of Franklin)

ss.

I, Steve Cory am the Director of Switch Service Provisioning, of LCI International, Inc. ("LCI"), and am authorized to make this affidavit on behalf of said corporation. On behalf of LCI, I certify that the facts set forth in the forgoing Application are true and correct to the best of my knowledge, information, and belief and that I expect LCI to be able to prove the same at any hearing hereof.

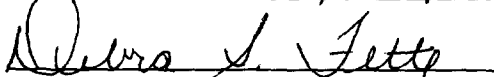


Steve Cory

Director, Switched Service Provisioning

Sworn to and subscribed before me this

21 day of March, 1997.


(SIGNED)

My Commision expires 8-11-2001

Debra S. Fette
Notary Public, State of Ohio
My Commission Expires Aug. 11, 2001